

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00490-TNM**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF JUSTICE

Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 03/01/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **James F. Peterson**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: jpeterson@judicialwatch.org
ATTORNEY TO BE NOTICED

Ramona Raula Cotca
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: rcotca@judicialwatch.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Michael Joseph Gerardi**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 616-0680
Fax: (202) 616-8460
Email: michael.j.gerardi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/01/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5355109) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for U.S. Attorney for DC, # <u>3</u> Summons for U.S. Attorney General, # <u>4</u> Summons for U.S. Department of Justice)(Cotca, Ramona) (Entered: 03/01/2018)
03/01/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by JUDICIAL WATCH, INC. (Cotca, Ramona) (Entered: 03/01/2018)
03/02/2018		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 03/02/2018)
03/02/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 03/02/2018)

03/02/2018	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 3/2/2018. (lctnm3) (Entered: 03/02/2018)
03/13/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/9/2018. (Answer due for ALL FEDERAL DEFENDANTS by 4/8/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 03/09/18., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 3/9/2018 (Attachments: # <u>1</u> Summons for U.S. Attorney for DC, # <u>2</u> Summons for U.S. Attorney General, # <u>3</u> Summons for U.S. Department of Justice)(Cotca, Ramona) (Entered: 03/13/2018)
04/09/2018	<u>6</u>	NOTICE of Appearance by Michael Joseph Gerardi on behalf of U.S. DEPARTMENT OF JUSTICE (Gerardi, Michael) (Entered: 04/09/2018)
04/09/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Gerardi, Michael) (Entered: 04/09/2018)
04/10/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before May 1, 2018. Signed by Judge Trevor N. McFadden on 4/10/2018. (lctnm3) (Entered: 04/10/2018)
04/11/2018		Set/Reset Deadlines: Joint Status Report due by 5/1/2018. (tg) (Entered: 04/11/2018)
04/13/2018	<u>8</u>	Joint MOTION for Extension of Time to <i>File Joint Proposed Schedule</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Cotca, Ramona) (Entered: 04/13/2018)
04/16/2018		MINUTE ORDER granting the parties' <u>8</u> Joint Motion for Extension of Time. The parties shall now file the schedule as described in the Court's April 10, 2018 minute order before or on May 11, 2018. SO ORDERED. Signed by Judge Trevor N. McFadden on 4/16/2018. (lctnm3) (Entered: 04/16/2018)
04/17/2018		Set/Reset Deadlines: Joint Status Report due by 5/11/2018. (hmc) (Entered: 04/17/2018)
05/11/2018	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 05/11/2018)
05/14/2018		MINUTE ORDER. Upon consideration of the parties' <u>9</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further joint status report before or on June 11, 2018. Signed by Judge Trevor N. McFadden on 5/14/2018. (lctnm3) (Entered: 05/14/2018)
05/14/2018		Set/Reset Deadlines: A further Joint Status Report is due by 6/11/2018. (hmc) (Entered: 05/14/2018)
06/11/2018	<u>10</u>	Joint STATUS REPORT (<i>Second</i>) by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 06/11/2018)
06/11/2018		MINUTE ORDER. Upon consideration of the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the parties shall, before or on July 11, 2018, file a further joint status report regarding the status of Defendant's searches and proposing a production schedule. Signed by Judge Trevor N. McFadden on 6/11/2018. (lctnm3) (Entered: 06/11/2018)
06/11/2018		Set/Reset Deadlines: Joint Status Report due by 7/11/2018. (hmc) (Entered: 06/11/2018)

06/12/2018	<u>11</u>	Joint MOTION for Extension of Time to <i>File Third Joint Status Report</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Cotca, Ramona) (Entered: 06/12/2018)
06/12/2018		MINUTE ORDER granting the parties' <u>11</u> Joint Motion for Extension of Time. The parties' joint status report shall now be due before or on July 18, 2018. Signed by Judge Trevor N. McFadden on 6/12/2018. (lctnm3) (Entered: 06/12/2018)
06/13/2018		Set/Reset Deadlines: Joint Status Report due by 7/18/2018. (hmc) (Entered: 06/13/2018)
07/18/2018	<u>12</u>	ENTERED IN ERROR.....Joint STATUS REPORT (<i>Third</i>) by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) Modified on 7/18/2018 (tth). (Entered: 07/18/2018)
07/18/2018		NOTICE OF CORRECTED DOCKET ENTRY : re <u>12</u> Status Report was entered in error at the request of counsel and counsel was instructed to refile said pleading. (tth) (Entered: 07/18/2018)
07/18/2018	<u>13</u>	Joint STATUS REPORT (<i>Third</i>) by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 07/18/2018)
07/18/2018		SCHEDULING MINUTE ORDER: Defendant shall provide an initial response and production of responsive, non-exempt agency records on or before August 24, 2018. Thereafter, Defendant shall continue to produce responsive documents on a rolling basis every thirty days, or the next business day if the 30th day falls on a holiday or weekend. The parties shall file a Joint Status Report to the Court regarding the progress of Defendant's production no later than seven days after each rolling production. SO ORDERED. Signed by Judge Trevor N. McFadden on 7/18/2018. (lctnm3) Modified on 7/19/2018 to edit event title (hmc). (Entered: 07/18/2018)
07/19/2018		Set/Reset Deadlines: Defendant's initial response and production of responsive, non-exempt agency records due by 8/24/2018, and every 30 days thereafter. (hmc) (Entered: 07/19/2018)
08/31/2018	<u>14</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Cotca, Ramona) (Entered: 08/31/2018)
09/04/2018		NOTICE OF HEARING: The parties shall take notice that a Status Conference is set for 9/13/2018, at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 09/04/2018)
09/13/2018		Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 9/13/2018. Government shall provide parts A and B of the Plaintiff's request by 12/1/2018; and calendar request and Freedom of Information Act request in total by 2/1/2019. (Court Reporter: Patricia Kaneshiro-Miller.) (hmc) (Entered: 09/13/2018)
10/05/2018	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 10/05/2018)
11/08/2018	<u>16</u>	Joint STATUS REPORT (<i>Sixth</i>) by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 11/08/2018)
11/30/2018	<u>17</u>	Unopposed MOTION to Amend/Correct Status Conference,, Set Deadlines, <i>Modify Processing Order</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 11/30/2018)
12/03/2018		MINUTE ORDER: Upon consideration of the Defendant's <u>17</u> Unopposed Motion to Modify Processing Order, it is hereby ORDERED that the Defendant shall release all records response to parts (a) and (b) of the Plaintiff's request by December 14, 2018. The parties shall file a status report on or before December 21, 2018 to update the Court on the status of production. The parties are directed to strictly comply with the Court's <u>4</u> Standing Order, including the provisions governing motions for extension of time. Signed by Judge Trevor N. McFadden on 11/30/2018. (lctnm3) (Entered: 12/03/2018)
12/03/2018		Set/Reset Deadlines: Defendant's release of records due by 12/14/2018. Joint Status Report due by 12/21/2018. (hmc) (Entered: 12/03/2018)

12/14/2018	<u>18</u>	Unopposed MOTION to Modify <i>Processing Order</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 12/14/2018)
12/14/2018		MINUTE ORDER: Upon consideration of the Government's <u>18</u> Unopposed Motion to Modify, it is hereby ORDERED that all records responsive to parts (a) and (b) of the records request shall be released to the Plaintiff on or before December 19, 2018. Further requests for extensions of time will be disfavored. Signed by Judge Trevor N. McFadden on 12/14/2018. (lctnm3) (Entered: 12/14/2018)
12/17/2018		Set/Reset Deadlines: Release of all records responsive to parts (a) and (b) of the records request due by 12/19/2018. (tg) (Entered: 12/17/2018)
12/20/2018	<u>19</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 12/20/2018)
12/26/2018	<u>20</u>	Unopposed MOTION to Stay <i>Processing Deadlines In Light of a Lapse of Appropriations</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 12/26/2018)
12/31/2018		MINUTE ORDER granting <u>20</u> Unopposed Motion to Stay. Upon considering Defendant's <u>20</u> Unopposed Motion to Stay, it is hereby ordered that this matter shall be stayed in light of a lapse in appropriations. Forthcoming processing deadlines shall be stayed until the Department of Justice attorneys are permitted to resume their usual civil litigation functions. The Department of Justice shall notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 12/31/2018. (lctnm2) (Entered: 12/31/2018)
12/31/2018		Case Stayed. (hmc) (Entered: 12/31/2018)
01/29/2019	<u>21</u>	NOTICE BY DEFENDANT TO THE COURT OF RESTORATION OF APPROPRIATIONS by U.S. DEPARTMENT OF JUSTICE (Gerardi, Michael) (Entered: 01/29/2019)
01/30/2019		MINUTE ORDER: Upon consideration of the Defendant's <u>21</u> Notice, the Court hereby lifts the stay in this case. The parties are ORDERED to file a status report with a proposed records processing schedule on or before February 5, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/30/19. (lctnm3) (Entered: 01/30/2019)
01/30/2019		Set/Reset Deadlines: Joint Status Report due by 2/5/2019. (hmc) (Entered: 01/30/2019)
02/05/2019	<u>22</u>	NOTICE of Appearance by James F. Peterson on behalf of JUDICIAL WATCH, INC. (Peterson, James) (Entered: 02/05/2019)
02/05/2019	<u>23</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Peterson, James) (Entered: 02/05/2019)
02/05/2019		MINUTE ORDER: Upon consideration of the parties' <u>23</u> Joint Status Report, it is hereby ORDERED that the Defendant shall make an interim production of records responsive to part (c) of the Plaintiff's request on or before March 1, 2019. The Defendant shall make a final production of all responsive records on or before April 1, 2019. The parties shall file a Joint Status Report on or before April 8, 2019. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/5/2019. (lctnm3) (Entered: 02/05/2019)
02/06/2019		Set/Reset Deadlines: Defendant's interim production of records due by 3/1/2019. Defendant's final production due by 4/1/2019. Joint Status Report due by 4/8/2019. (hmc) (Entered: 02/06/2019)
03/08/2019	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Gerardi, Michael) (Entered: 03/08/2019)
03/29/2019	<u>25</u>	Unopposed MOTION to Modify <i>Processing Order</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 03/29/2019)
04/01/2019		MINUTE ORDER: Upon consideration of the Defendant's <u>25</u> Unopposed Motion to Modify Processing Order, it is hereby ORDERED that the Defendant shall release records responsive to part (c) of the Plaintiff's request on or before April 15, 2019.

		Signed by Judge Trevor N. McFadden on 4/1/2019. (lctnm3) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines: Defendant's records responsive to part (c) of the Plaintiff's request due by 4/15/2019. (hmc) (Entered: 04/01/2019)
04/08/2019	<u>26</u>	Unopposed MOTION to Modify <i>Date for Submitting Next Status Report</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Gerardi, Michael) (Entered: 04/08/2019)
04/09/2019		MINUTE ORDER granting Defendant's <u>26</u> Unopposed Motion to Modify. It is hereby ORDERED that the parties shall file a joint status report to part (c) of Plaintiffs request on or before April 29, 2019. Signed by Judge Trevor N. McFadden on 4/9/2019. (lctnm1) (Entered: 04/09/2019)
04/09/2019		Set/Reset Deadlines: Joint Status Report to part (c) of the Plaintiff's request due by 4/29/2019. (hmc) (Entered: 04/09/2019)
04/29/2019	<u>27</u>	Joint STATUS REPORT by JUDICIAL WATCH, INC.. (Cotca, Ramona) (Entered: 04/29/2019)
04/29/2019		MINUTE ORDER: Upon consideration of the parties' <u>27</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further update on or before May 15, 2019. This report shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 4/29/2019. (lctnm3) (Entered: 04/29/2019)
04/30/2019		Set/Reset Deadlines: Joint Status Report due by 5/15/2019. (hmc) (Entered: 04/30/2019)